



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/605,650 | 10/15/2003 | Yen-Jen Chang | ACMP0067USA | 2649 |
| 27765 | 7590 | 10/16/2006 | EXAMINER | |
| NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116 | | | MILLER, BRIAN E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2627 | |

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,650

Applicant(s)

CHANG, YEN-JEN

Examiner

Brian E. Miller

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2627

Claims 8-19 are now pending.

Election/Restrictions

1. Applicant's election without traverse of group II, i.e., claims 8-19 in the reply filed on 7/27/06 is acknowledged. Since the withdrawn claims, 1-7, have been canceled, only the elected claims remain pending and will be subsequently examined.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to because in FIG. 10, the element(s) pictured should be identified appropriately. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: (a) throughout the specification, the use of “bores” and “bases” have been used interchangeable, however, it is suggested to remain consistent and use one or the other, so as not to imply the components having different structures. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 8-9, 13-16, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by FIGs. 1-2, 4-5 of applicant’s admitted prior art (AAPA). (As per claim 8) The AAPA discloses (see also para [0009] of specification starting with “Please refer to Fig.4.”) a position adjustment device for adjusting a position of a mounting plate 12 having a plurality of through holes relative to a tray of an optical disk drive for preventing an optical disk mounted on the mounting plate from colliding with the tray, the device comprising: a plurality of bases (bores) 30 installed on the tray 28 corresponding to the through holes (unnumbered) on the mounting plate 12; a

plurality of screws (unnumbered shown in FIG. 5) threaded into the bases (bores) 30 through the corresponding through holes to fasten the mounting plate onto the tray 28; and a plurality of nuts (not shown-see specification para [0009]) threaded onto the screws to fasten the screws onto the mounting plate 10; (as per claim 9) wherein a depth of each of the screws in the corresponding base is set to adjust the relative alignment of the mounting plate and the tray, which follows from the above structure; (as per claim 13) wherein a plurality of dampers 24 located are between the nuts and the mounting plate (as described above), and between a head of each of the screws and the mounting plate for preventing the optical disk drive from being affected by vibrations during operation (as described and as known in the art); (as per claim 14) wherein the dampers are rubber pads (as described in the specification).

As claims 15-16 have similar limitations to that of claims 1-2, they are rejected under the same grounds, as described above. Further, (as per claim 18) the damper 24 is cylindrical and comprises an upper large diameter portion and a lower large diameter portion, a space between the upper and lower large diameter portions having a smaller diameter for fitting into the notched base plate of the mounting plate, as shown mainly in FIG. 2.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2627

8. Claims 10-12, 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over the AAPA. (As for claims 10-12, 17) While the base (bore) 30 on tray 28 is shown in the AAPA and is inherently threaded, the AAPA is expressly silent as to the bore having a copper pillar with threads therein, however, Official Notice is taken that copper threading for screws were notoriously old and well known, and would have been obvious to one having ordinary skill in the art to have provided such in the tray bores of the AAPA. The motivation would have been: providing copper threads in the tray base (as opposed to the same material of the tray, e.g., resin) would have provided a stronger footing for the metal screw threads, thus providing longevity to the bore/screw junction. It is noted that providing copper threaded pillars in wood bores is common in furniture to strengthen the mating of the metal screw/bolt into the furniture. With respect to claim 19 and the addition of glue on the threads, Official Notice is taken that providing glue on screw threads was notoriously old and well known, and would have been obvious to one having ordinary skill in the art to have provided such to the AAPA apparatus. The motivation would have been: lacking any unobvious or unexpected results, providing glue on the threads would have attached the screw securely within the bore, preventing movement thereof after a period of time. (See also USP 5008873, which discusses the use of adhesive after adjusting of the optical apparatus). One having ordinary skill would have readily had such knowledge.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including USP to Iwanaga (6,249,504) and USP to Tanaka et al (5,008,873) which are cited to show adjustment mechanisms for an optical apparatus.

Art Unit: 2627

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brian E. Miller
Primary Examiner
Art Unit 2627

BEM
October 13, 2006